

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Suzanne Donnelly	Team: Team # 2	CCRB Case #: 200609321	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/15/2006 9:30 PM	Location of Incident: in front of 1956 Crotona Parkway	Precinct: 48	18 Mo. SOL 1/15/2008	EO SOL 1/15/2008	
Date/Time CV Reported Mon, 07/17/2006 10:27 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/17/2006 10:27 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Noe Ramirez	07771	939272	048 PCT
2. POF Oliva Carvajal	20401	938182	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Noe Ramirez	Abuse: PO Noe Ramirez stopped and questioned § 87(2)(b)	
B.POM Noe Ramirez	Abuse: PO Noe Ramirez frisked § 87(2)(b)	
C.POM Noe Ramirez	Abuse: PO Noe Ramirez searched § 87(2)(b)	
D.POM Noe Ramirez	Abuse: Noe Ramirez threatened to issue a summons to § 87(2)(b)	
E.POF Oliva Carvajal	Abuse: PO Oliva Carvajal threatened to issue summons to § 87(2)(b)	

Synopsis

On July 15, 2006 at approximately 9:30pm, § 87(2)(b) was walking through a small park located at Crotona Parkway and Southern Boulevard with his friend, § 87(2)(b). The men were holding Styrofoam cups in their hands, and § 87(2)(b) cup was filled with juice. § 87(2)(b) finished his juice and threw out the cup he was holding in a garbage can near the park's exit. As he exited the park, he and § 87(2)(b) approached the corner of E. Tremont Avenue and Crotona Parkway. At that point, PO Noe Ramirez, who was with his partner PO Oliva Carvajal and approaching the same intersection, called to § 87(2)(b) and requested his identification (Allegation A). § 87(2)(b) continued walking, and separated from § 87(2)(b). § 87(2)(b) questioned why he was being stopped and PO Ramirez stated that § 87(2)(b) had a cup in his hand and again requested identification. § 87(2)(b) stated that he was doing nothing wrong, and refused to produce identification. PO Ramirez asked § 87(2)(b) for identification three or four times, and § 87(2)(b) would not provide it. PO Ramirez then stated that if § 87(2)(b) had been "man enough" to produce identification, he would have looked at it and let him go. Instead, he leaned § 87(2)(b) on the hood of a car and placed him into handcuffs. PO Carvajal held § 87(2)(b) head against the car as PO Ramirez frisked and searched § 87(2)(b) in his pockets and his boots (Allegations B and C). While § 87(2)(b) was in handcuffs, his friend § 87(2)(b) approached the vicinity and inquired as to what was going on. Both officers instructed § 87(2)(b) not to come any closer or he too would be issued a summons (Allegations D and E). Subsequently, § 87(2)(b) was released and issued two summonses: one by PO Ramirez, issued for § 87(2)(b), and one by PO Carvajal, issued for § 87(2)(b).

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) a § 87(2)(b)-old Hispanic male § 87(2)(b), first reported his complaint to the CCRB on July 17, 2006. He was contacted on July 19, 2006 and during this conversation, he provided a detailed phone statement and both mediation and investigation were explained to him (Encl. 8A-B). § 87(2)(b) rejected mediation and expressed that he wanted his complaint to be investigated. § 87(2)(b) was interviewed at the CCRB on July 27, 2006 (Encl. 9A-D).

§ 87(2)(b) stated that on July 15, 2006 at approximately 9:30pm, he was walking through a small park located at Crotona Parkway and Southern Boulevard with his friend § 87(2)(b). The men were coming from a grocery store on Southern Blvd. and entered the park at an entrance at Elsmere Place (Encl. 6A-B). § 87(2)(b) stated that he and § 87(2)(b) had not seen or spoken with anyone as they walked through the small park. The men were each holding Styrofoam cups in their hands and drinking from them. § 87(2)(b) stated that his cup was filled with juice. Just prior to exiting the park, § 87(2)(b) finished his beverage and discarded the empty cup in a garbage can. § 87(2)(b) and § 87(2)(b) proceeded to exit the park, at which point he observed two uniformed police officers, one male and one female (later identified by § 87(2)(b) as PO Noe Ramirez and PO Oliva Carvajal because of the names on his summonses). The officers were in uniform and on foot, walking west on E. Tremont Avenue and approaching the intersection of E. Tremont Avenue and Crotona Parkway. As the men reached the same intersection, PO Ramirez called to § 87(2)(b) and requested his identification. § 87(2)(b) continued walking away with his cup and was not present for the incident with the officers. § 87(2)(g) when filing his complaint over the phone

at the CCRB, § 87(2)(b) stated that he was walking with his friend, § 87(2)(b). It was only after he provided a detailed statement over the phone that he indicated he was walking with his friend § 87(2)(b) and § 87(2)(b) approached later, when he was already in the custody of the officers. § 87(2)(b) repeated this in his sworn statement at the CCRB.

When § 87(2)(b) questioned why he was being stopped, PO Ramirez stated that § 87(2)(b) had a cup in his hand and continued to request his identification. § 87(2)(b) explained that his cup was empty and that he had simply thrown it out. § 87(2)(b) refused to provide his identification because he stated that he had done nothing wrong. § 87(2)(b) stated that PO Ramirez requested his identification a total of three or four times. PO Ramirez stated that because § 87(2)(b) refused to produce his identification, he was going to place him into handcuffs and retrieve it himself. He also told § 87(2)(b) that if he had been “man enough” to produce his identification when it was requested, he merely would have looked at it and then let him leave. When PO Ramirez told § 87(2)(b) he would be placed into handcuffs, § 87(2)(b) complied, turning around to allow PO Ramirez to do so. § 87(2)(b) asked PO Ramirez why he was “harassing” him. PO Carvajal asked § 87(2)(b) to “define harassment” and told him to look it up in the dictionary, because he was not being harassed.

The officers then placed § 87(2)(b) face down against the hood of a car that was parked in the street at the intersection. PO Ramirez placed § 87(2)(b) in handcuffs. Once § 87(2)(b) was rear-cuffed, PO Ramirez proceeded to search § 87(2)(b). § 87(2)(b) was wearing a polo shirt, long denim shorts, and Timberland boots at the time of the incident. PO Ramirez searched all of § 87(2)(b) pockets and retrieved his wallet from his rear left pocket. He retrieved § 87(2)(b) identification, a permit for a commercial driver’s license, from his wallet. § 87(2)(b) stated that PO Ramirez also searched his Timberland boots, and he believed that the officer was checking for weapons. § 87(2)(b) told PO Ramirez that he had no weapons in his possession, but PO Ramirez stated that § 87(2)(b) looked suspicious. For the duration of the search, PO Carvajal was standing beside § 87(2)(b) and holding his head against the hood of the car.

Once the search was completed, PO Ramirez and PO Carvajal each began issuing § 87(2)(b) a summons. At this point, § 87(2)(b) was turned around and was facing the officers with his back to the car, leaning against it. He was still handcuffed. § 87(2)(b) cell phone began to ring, and § 87(2)(b) attempted to retrieve it from his pocket to see who was calling. PO Ramirez ordered him to put the cell phone away and told him he was being disrespectful. § 87(2)(b) protested, stating that he was not arrested. In his telephone statement to the CCRB, § 87(2)(b) stated that PO Carvajal also ordered him to put his phone away, stating that she would “find something” to arrest him for. However, he made no mention of this in his sworn CCRB statement.

§ 87(2)(b) friend, § 87(2)(b) also approached the vicinity after he had been searched and as PO Ramirez and PO Carvajal were issuing him summonses. § 87(2)(b) was still standing and leaning with his back against the car. § 87(2)(b) asked § 87(2)(b) loudly what was going on, and walked toward him. § 87(2)(b) then asked the officers why they had § 87(2)(b) handcuffed. Both officers instructed § 87(2)(b) not to approach any further and to walk away from the location, or he too would be issued a summons. § 87(2)(b) stopped about fifty feet from the location and did not walk any closer.

PO Ramirez then removed § 87(2)(b) handcuffs. Both officers handed § 87(2)(b) his summonses, and they walked away. § 87(2)(b) was in handcuffs for approximately ten to fifteen minutes. The incident was approximately twenty-five to thirty minutes in total.

Results of Investigation

Attempts to Locate & Interview Additional Victims/Witnesses

§ 87(2)(b) (Encl. 17A-F, Encl. 18A-C)
§ 87(2)(b) provided § 87(2)(b) s cell phone number when he filed his complaint with the CCRB. On July 20, 2006, a message was left on § 87(2)(b) s voicemail. Metrosearch produced no hits for § 87(2)(b) s address. § 87(2)(b) returned this phone call later that day. He could only speak briefly because

he was working, but scheduling an interview was discussed. He requested to be called back at another time. Another phone call was made to § 87(2)(b) on July 24, 2006 and a message was left on his voicemail. The same day, § 87(2)(b) called the CCRB to schedule an interview for July 27, 2006. § 87(2)(b) failed to appear at the CCRB on July 27, 2006. A voicemail was left for him on July 28, 2006 in an attempt to obtain a phone statement and reschedule the appointment. During § 87(2)(b) interview on July 27, 2006, he stated that he believed § 87(2)(b) lived on § 87(2)(b) in the Bronx. A DMV search produced an address for a § 87(2)(b) who resided on § 87(2)(b). A letter was sent on July 28, 2006 and was not returned to the CCRB. On August 3, 2006, brief phone contact (because he was at work) was made with § 87(2)(b) who scheduled an appointment on August 7, 2006. § 87(2)(b) failed to appear for this appointment. On August 14, 2006, a voicemail was left for § 87(2)(b) again requesting that he provide a phone statement if he was unable to travel to the CCRB. On September 6, 2006, another letter was sent to § 87(2)(b) and on September 19, 2006, another voicemail was left for § 87(2)(b). To date, § 87(2)(b) has made no further attempt to contact the CCRB to provide either a telephone or an in-person statement.

§ 87(2)(b)

§ 87(2)(b) complaint to the CCRB made no mention of § 87(2)(b) (as either a victim or a witness), and stated that he walking with his friend § 87(2)(b) when officers stopped him. In a telephone statement to the CCRB (Encl. 8A-B), he expressed that he was walking with his friend § 87(2)(b) through the park when he was stopped by officers, and § 87(2)(b) approached the location once he was already in police custody. His sworn statement corroborated his phone statement (Encl. 9A-D). § 87(2)(b) was asked to provide contact information for § 87(2)(b) on numerous occasions. On July 19, 2006 during § 87(2)(b) telephone statement, he stated that he had § 87(2)(b) two-way Nextel phone number but not a phone number. He could not provide § 87(2)(b) last name or any other information, and stated he would speak with § 87(2)(b) and obtain a contact number for him. At the conclusion of his interview on July 27, 2006, § 87(2)(b) again stated that he would make attempts to put § 87(2)(b) in contact with the CCRB. On August 15, 2006, § 87(2)(b) was left a voicemail and then returned a phone call to the CCRB, stating again that he would have to call § 87(2)(b) himself, because he only has a two-way number for him. He stated he would either give § 87(2)(b) my number or would call me back with § 87(2)(b) number (Encl. 17A-F- IA log). At this point, an inquiry was made as to why he stated in his initial statement that § 87(2)(b) was with him at the onset of his encounter with officers. § 87(2)(b) denied ever stating this (though it is explicitly stated on the intake tape that he was with “one friend, § 87(2)(b) and said that he must have been misunderstood. He emphasized that he was originally walking with § 87(2)(b).

Officer Statements

PO Noe Ramirez

PO Noe Ramirez was interviewed at the CCRB on October 27, 2006 (Encl. 13A-B). PO Ramirez stated that on July 15, 2006, he worked 1730-0205 at foot post #4 with PO Carvajal. PO Ramirez had an entry in his memo book regarding this incident, which he read into the record as, “21:30, C Summons issued to § 87(2)(b) dob: § 87(2)(b),” for an “open container of alcohol,” at “1956 Crotona Pkwy” (Encl. 12A-B). The summons was completed at 21:45 and at that point PO Ramirez resumed patrol.

PO Ramirez stated that on July 15, 2006, he was working with PO Carvajal when he observed § 87(2)(b) walking inside a small park, holding and drinking from a bottle of Corona. PO Ramirez stated that the bottle was clearly visible. He observed § 87(2)(b) for a minute or two and then made the decision to approach § 87(2)(b). PO Ramirez could not recall what he said to § 87(2)(b) when he first stopped him. It was clear that § 87(2)(b) was drunk; his speech was unclear and he had been walking unsteadily prior to being stopped. He asked § 87(2)(b) for identification at some point during this conversation, and § 87(2)(b) produced a driver's license. PO Ramirez could not estimate how long he spoke to § 87(2)(b) before making the decision to handcuff him. He could not recall whose decision it was to handcuff § 87(2)(b). § 87(2)(b) was handcuffed and frisked for the officers' security because he was acting “violently” and was drunk. PO Ramirez stated that § 87(2)(b) was waving his hands around and telling PO Ramirez, “This is not right, anyone can drink. You drink.” PO Ramirez had a “funny feeling” about § 87(2)(b). PO Ramirez could not recall who handcuffed § 87(2)(b) and he could not recall whether or not the officers had trouble handcuffing him.

Once § 87(2)(b) was placed into handcuffs, PO Ramirez frisked him for weapons. § 87(2)(b) was “patted down” around his waist and over his pants. He could not recall frisking § 87(2)(b) shoes, and stated that he does not usually check individuals’ shoes. PO Ramirez did not recall what § 87(2)(b) was wearing on the day of the incident. § 87(2)(b) was compliant during this process. No weapons were found during the frisk. § 87(2)(b) was not searched. PO Ramirez could not recall how long § 87(2)(b) was in handcuffs, but stated that it took him 15 minutes to issue a summons, according to his memo book entry. PO Carvajal also issued § 87(2)(b) a summons during this time for § 87(2)(b). PO Ramirez did not recall PO Carvajal ever threatening to arrest § 87(2)(b). He stated that neither he nor PO Carvajal ever threatened to issue any other individual a summons.

PO Ramirez could not recall who removed § 87(2)(b) handcuffs. Once his handcuffs were removed and he was handed the summonses, he told PO Ramirez, “Come by my neighborhood without the uniform.” PO Ramirez took this as a threat.

There were no other individuals in the vicinity at the time that § 87(2)(b) was frisked. PO Ramirez could not recall anyone attempting to intervene at any point during this incident. He did not recall § 87(2)(b) receiving a phone call, reaching for his cell phone, or being on his cell phone at any point. He did not recall § 87(2)(b) being placed on a vehicle at any point during this incident. A UF 250 was not prepared for § 87(2)(b) because he had been issued the summonses. There were no other officers at the location at any point during this incident.

PO Oliva Carvajal

PO Oliva Carvajal was interviewed at the CCRB on August 21, 2006 (Encl. 11A-B). PO Carvajal stated that on July 15, 2005, she was working an 1800-0200 foot post with PO Noe Ramirez and was in uniform. PO Carvajal had no entries in her memo book regarding this incident, and did not have her memo book at the time of her appearance at the CCRB (Encl. 10A-C).

PO Carvajal first stated that she had no recollection of the incident that occurred on July 15, 2006 with § 87(2)(b). PO Carvajal was then presented with a copy of § 87(2)(b) driver’s license, but she stated she did not recognize him. PO Carvajal was presented with a copy of the summons that she issued to § 87(2)(b) on July 15, 2006. She stated that she recalled issuing the summons but did not recall why she issued it and could not describe how § 87(2)(b) was acting § 87(2)(b).

PO Carvajal stated that regarding the incident that occurred with § 87(2)(b) on July 15, 2006, § 87(2)(b) was stopped for having an open container. Her partner, PO Noe Ramirez, first noticed § 87(2)(b) and it was his decision to make the stop. PO Carvajal could not recall if § 87(2)(b) was with anyone at the time he was stopped. She recalled § 87(2)(b) having an open container in his possession but could not describe that container; she could not recall if it was a bottle and could not recall what the liquid was. She could not recall if § 87(2)(b) breath smelled like alcohol or if he behaved as if he were under the influence of alcohol. She could not recall if she had observed § 87(2)(b) enter or exit a store at any point on the day of the incident.

PO Carvajal also could not recall the nature of her interaction with § 87(2)(b) or if she interacted with him at all. She remembered approaching § 87(2)(b) with PO Ramirez, but she did not recall any of the ensuing conversation. She did not recall if she feared for her safety at any point during the incident. She did not recall if § 87(2)(b) looked suspicious.

PO Carvajal stated that PO Ramirez asked § 87(2)(b) to produce his identification. She could not recall whether he voluntarily produced it or whether she or PO Ramirez had to retrieve it. She did not recall what happened afterward. She stated she had no recollection of § 87(2)(b) being placed into handcuffs, frisked, or searched by herself or her partner. She did not remember if § 87(2)(b) boots were searched. She could not recall if § 87(2)(b) was alone during the incident, and she could not recall if any other individuals tried to approach the location or intervene during the incident. She could not recall § 87(2)(b) attempting to make any phone calls or being on his cell phone at all.

PO Carvajal stated she could not recall stating that she would arrest § 87(2)(b) at any point, nor could she recall if PO Ramirez had done so. She could not recall whether she or her partner ever threatened any other individuals with summonses. She could not recall if § 87(2)(b) could have been arrested for anything during the incident.

Police Documents

48th Precinct Roll Call (Encl. 16A)

The 48th Precinct tour 3 roll call for July 15, 2006 documents that PO Carvajal was assigned to foot post #3 and PO Ramirez was assigned to foot post #4.

48th Precinct Stop and Frisk Log/Report (Encl. 15A-C)

The stop and frisk log was requested from the 48th Precinct. The logs received from the 48th Precinct, one with the search criteria § 87(2)(b) and 2006 and the other with the date of the incident 'July 15, 2006,' produced no results for § 87(2)(b). There was no stop and frisk report on file for § 87(2)(b).

Summonses (Encl. 14A-B)

PO Ramirez issued summons # § 87(2)(b) to § 87(2)(b) for § 87(2)(b). PO Carvajal issued a second summons, # § 87(2)(b) to § 87(2)(b) for § 87(2)(b).

CCRB Histories

§ 87(2)(b) (Encl. 5A)

To date, this is the only complaint that § 87(2)(b) has filed with the CCRB.

PO Noe Ramirez (Encl. 3A)

A member of the NYPD for just over a year, this is PO Ramirez' first CCRB complaint.

PO Oliva Carvajal (Encl. 4A)

Also an NYPD officer for just over a year, this is PO Carvajal's first CCRB complaint.

Criminal Conviction History

A search conducted on the Booking, Arraignment, and Disposition System utilizing a start date of January 1, 2004 produced one hit for the first name § 87(2)(b). However, the date of birth and address documented for this individual are different from those of the complainant.

Summons Disposition

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) identified PO Noe Ramirez and PO Oliva Carvajal by the names indicated on the summonses he was issued. Both officers confirmed their involvement in the incident at their CCRB interviews. The 48th Precinct roll call also indicated that both officers were on duty and assigned to foot posts.

Undisputed Facts

It is not in dispute that § 87(2)(b) was stopped and questioned by PO Ramirez and PO Carvajal in front of 1956 Crotona Parkway. It is also not in dispute that he was handcuffed, frisked, and released with

a summons for § 87(2)(b) and a summons for § 87(2)(b). § 87(2)(g)

Credibility Analysis

§ 87(2)(b)

§ 87(2)(g)

When he filed his initial complaint with the CCRB on July 17, 2006, § 87(2)(b) stated that he was walking toward the intersection of E. Tremont and Crotona Pkwy. with ‘one friend,’ § 87(2)(b) and provided his phone number. In his phone statement, he stated that he was walking with his friend § 87(2)(b) when officers first stopped him. § 87(2)(b) stated that § 87(2)(b) must have heard the officer(s) call to him because the two were walking together, but § 87(2)(b) did not stop with § 87(2)(b) and proceeded to walk away from the location of the stop. § 87(2)(b) in-person statement reiterated this, and added that § 87(2)(b) was also holding a Styrofoam cup as the two men walked together. Yet, § 87(2)(b) was stopped but § 87(2)(b) was not, and officers simply allowed § 87(2)(b) to continue walking away. § 87(2)(b) was asked multiple times to provide a contact number for § 87(2)(b) and he stated that he would have to contact § 87(2)(b) himself and either provide a number for the CCRB to § 87(2)(b) or call the CCRB with ‘Will’s’ number. § 87(2)(b) has failed to provide a contact number for § 87(2)(b) and § 87(2)(b) has not attempted to contact the CCRB. § 87(2)(g)

he originally stated that PO Carvajal threatened to arrest him; however, he made no mention of this during his sworn CCRB statement. § 87(2)(g)

PO Ramirez and PO Carvajal

§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

§ 87(2)(b) stated in a telephone statement to the CCRB that PO Carvajal stated she would “find something” to arrest him for. However, in his sworn CCRB statement, § 87(2)(b) made no mention of this. § 87(2)(g)

Allegations

Allegation A: PO Ramirez stopped and questioned § 87(2)(b)

Though § 87(2)(b) stated that both PO Ramirez and PO Carvajal stopped him, PO Ramirez made the decision to stop him. § 87(2)(b) alleged that he was walking through a small park at Crotona Parkway and Southern Blvd. with ‘§ 87(2)(b)’. In his hand was a Styrofoam cup containing juice. He had just finished the cup of juice that he was drinking and thrown it out when PO Ramirez and PO Carvajal approached him. When questioned, PO Ramirez stated that he clearly observed § 87(2)(b) for a minute or two drinking from an open Corona bottle. PO Ramirez also stated that § 87(2)(b) was visibly drunk; he was walking unsteadily and his speech was impaired. Though PO Carvajal stated she could not recall what § 87(2)(b)

was drinking, she did recall that he had an open container of alcohol in his possession. According to Administrative Code 10-125 (Encl. 1A), the consumption of alcohol is prohibited in any public place. "Public place" is defined as, "a place to which the public or a substantial group of persons has access including, but not limited to, any highway, street, road, sidewalk, parking area, place of amusement, playground, park or beach located within the city." Possession or consumption of alcoholic beverages in "any public place except at a block party, feast or similar function for which a permit has been obtained" is prohibited. § 87(2)(g)

§ 87(2)(g)

Allegation B: PO Ramirez frisked § 87(2)(b)

§ 87(2)(b) stated that PO Ramirez asked him for identification three times and when he refused to produce it, PO Ramirez handcuffed and frisked him. Though PO Carvajal had no recollection of whether or not this occurred, PO Ramirez confirmed that § 87(2)(b) was handcuffed and frisked. However, he stated that this was not as a result of § 87(2)(b) refusal to provide identification. Rather, PO Ramirez handcuffed and frisked § 87(2)(b) for the officers' security. According to Patrol Guide Procedure 212-11 (Encl. 2A), after an individual is stopped based on an officer's reasonable suspicion, he/she is subject to a frisk, if the officer reasonably suspects that he/she or others "are in danger of physical injury." PO Ramirez described § 87(2)(b) as being visibly intoxicated and recalled him acting violently, waving his arms around and arguing with the officers. PO Ramirez frisked § 87(2)(b) waist and over his pants, but no weapons were found during this process.

§ 87(2)(g)

Allegation C: PO Ramirez searched § 87(2)(b)

§ 87(2)(b) alleged that PO Ramirez proceeded to search him while he was handcuffed. PO Ramirez denied ever searching § 87(2)(b) and PO Carvajal stated that she could not recall whether or not § 87(2)(b) was searched. § 87(2)(g)

§ 87(2)(g)

Allegation D: PO Ramirez threatened to issue summons to § 87(2)(b)

Allegation E: PO Carvajal threatened to issue summons to § 87(2)(b)

§ 87(2)(b) alleged that while he was handcuffed and being frisked and searched by PO Ramirez, his friend § 87(2)(b) somehow became aware that he was in the officers' custody and approached the location. When § 87(2)(b) inquired as to why § 87(2)(b) was being detained by the officers, both PO Ramirez and PO Carvajal instructed him to stay away and stated that he would receive a summons if he came any closer.

Numerous attempts were made to contact § 87(2)(b) whose phone number was provided to the CCRB by § 87(2)(b). On July 20, 2006, a message was left on § 87(2)(b)'s voicemail. § 87(2)(b) returned this phone call later that day. He could only speak briefly because he was working, but scheduling an interview was discussed. He requested to be called back at another time. Another phone call was made to § 87(2)(b).

§ 87(2)(b) on July 24, 2006 and a message was left on his voicemail. The same day, § 87(2)(b) called the CCRB to schedule an interview for July 27, 2006. § 87(2)(b) failed to appear at the CCRB on July 27, 2006. A voicemail was left for him on July 28, 2006 in an attempt to obtain a phone statement and reschedule the appointment. During § 87(2)(b) interview on July 27, 2006, he stated that he believed § 87(2)(b) lived on § 87(2)(b) in the Bronx. A DMV search produced an address for a § 87(2)(b) who resided on § 87(2)(b). A letter was sent on July 28, 2006 and was not returned to the CCRB. On August 3, 2006, brief phone contact (because he was at work) was made with § 87(2)(b) who scheduled an appointment on August 7, 2006. § 87(2)(b) failed to appear for this appointment. On August 14, 2006, a voicemail was left for § 87(2)(b) again requesting that he provide a statement to the CCRB over the phone. On September 6, 2006, another letter was sent to § 87(2)(b) and on September 19, 2006, another voicemail was left for § 87(2)(b) but a return phone call was never received.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: